

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA**

FEB 02 2006

JOHN F. CORCORAN, CLERK
BY: DEPUTY CLERK

In accordance with the memorandum opinion entered this day, it is hereby

ORDERED

that plaintiff is hereby **DENIED** the opportunity to proceed in forma pauperis, and the action shall be and hereby is **DISMISSED** without prejudice, pursuant to 28 U.S.C. §1915(g); his requests for subpoenas duces tecum are hereby **DENIED**; and this action is hereby stricken from the active docket of the court.

The Clerk is directed to send certified copies of this order to and to counsel of record for the defendants, if known.

ENTER: This 1st day of February, 2006.

James C. Clark
Senior United States District Judge